

Remarks by United States Attorney Preet Bharara
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Thank you, Janet, for that kind introduction. I'd like to spend a minute applauding Janet for all that she does. She has a lot on her plate—as President of this association, chair of the new ethics oversight panel, and of course head of one of the most productive and prestigious District Attorney's Offices in the State of New York. So I was especially honored when she asked me to speak as the keynote at this wonderful conference before all of you.

I would like to take another minute to thank all the prosecutors in this room. At a time when government workers are much maligned; and when budgets prevent pay raises and even simple cost of living adjustments; when so many of your people can make more money in private practice; I want you all to know that there is no finer government service than this and no higher civilian calling. And so I want to thank you for your service and for your sacrifice.

I know all of you in this room are elected, which is a very impressive feat. I couldn't get elected chief law enforcement officer in my own house. Now, there really are three political parties that exist—Democrat, Republican, and Prosecutor. Because in the end, politics cannot tell you how to investigate a case, when to indict it, or how to try it.

I especially want to thank the DA's in my District for the work you do every day. Many of our greatest successes involve close coordination with the dedicated staff of the District Attorneys in the Southern District of New York:

- Janet DiFiore in Westchester;
- Frank Phillips in Orange County;
- Cy Vance in Manhattan;
- Rob Johnson in the Bronx;
- Tom Zugibe in Rockland;
- Bill Grady in Dutchess;
- Adam Levy in Putnam;
- Jim Farrell in Sullivan;
- And of course, Bridget Brennan, the Special Narcotics Prosecutor in New York.

Now, there is good news to report. You have so much to be proud of; working together with law enforcement agents around the state to reduce crime, overall crime rates are down. That is an epic success. And violent crime is down 6.4% last year in the country and 4.4% in New York State. But notwithstanding all that success, notwithstanding all that progress, we cannot escape or forget another reality, a reality that is masked by those otherwise inspiring numbers.

For hidden behind all those remarkable statistics are still too many wrenching stories—stories that have unfolded in every county and district in New York and, indeed, around the country. Stories about neighborhoods under siege and communities under attack—neighborhoods where simply being on the street can get you shot; where children can't walk down the block or even

the hallway without witnessing a drug deal; where guns are more common than books or toys; and where good people plead daily to be set free from the fear of terrorizing street gangs.

Because, as we all know, for all of law enforcement's vaunted success, there are still pockets of pain throughout the country in communities like Brownsville and Newburgh and Camden and Salinas.

I want to mention the most searing moment I remember having as the United States Attorney. Now, I am sure most of you are familiar with Newburgh, New York. It is a beautiful, waterfront town in Orange County, a town that has fallen on some hard times. In recent years, it has had twice the general crime rate as the rest of New York and four times the violent crime rate. And it began to get national attention a couple of years back because of the tragic violence that was happening there. Murders, shootings, stabbings, and assaults were a daily occurrence.

One of the very first commitments I made as U.S. Attorney—after meeting with the head of the FBI in New York at the time—was a commitment to tackle as aggressively as possible the gang problem in Newburgh. And I made that commitment to my new friend, Orange County DA Frank Phillips. Because the good people of Newburgh just wanted their city back.

Even before I took office, prosecutors from my office were working hand-in-glove with the FBI; with Frank Phillips; with the Newburgh police chief; and with all the many members of the Hudson Valley Safe Streets Task Force. And so working in a giant collaboration, we put together a first case against 78 members and associates of the Bloods and Latin Kings.

In May of 2010, a week before the first massive takedown we did, I went to a community meeting in Newburgh. There, we met with a group of mothers—who called themselves Mothers for Upward Mobility. These were brave and strong women, women who had endured unspeakable grief, women who had lost children to the gang wars of Newburgh.

I will never forget the first mom who spoke—she told us that she had lost her son to gang warfare. And she essentially pleaded with us to do whatever we could to put an end to that violence—so no other parent would ever have to suffer like she had. It was, by the way, three days before Mother's Day. And I thought to myself, what could be worse than that? A mother having to bury her own flesh and blood because of some senseless street violence.

And then the next mother spoke. And I learned what could be worse. Because that mother told us—through tears—that she had lost two sons. And she made the same plea. And grown men in that room teared up.

But this is not a unique or even uncommon story, sadly. You all know, better than anyone, what I am talking about. Because these stories have unfolded in communities in every county in our state. And it is those stories that drive all of us to work harder and longer and smarter to do everything we can to substitute justice for violence, and to replace every gang's reign of terror with the rule of law.

To that end, the work of the law enforcement leaders in this room is truly inspiring. In recent times, District Attorneys around the state have made huge strides attacking this very problem—from the Bronx to Buffalo and from Staten Island to Schenectady. Just last week, DA Vance charged 35 people for selling PCP in an open-air drug market in Upper Manhattan. Also last week, DA Hynes in Brooklyn indicted 43 warring gang members who have been terrorizing the people of Brownsville.

And the same is true all around the state. Last May, in Schenectady, U.S. Attorney Rick Hartunian teamed up with District Attorney Carney in a substantial gang RICO prosecution. And last July saw successful takedowns coordinated by the U.S. Attorney Bill Hochul in Buffalo and Erie County District Attorney's office.

And I could go on and on. There is—everywhere—so much excellent work to be proud of. But of course we all know we have to try to do even more—not just as prosecutors, but as leaders in our communities.

Many of you probably read the stark and sermon-like words delivered by Justice Edward McLaughlin last year upon sentencing defendants charged in Manhattan. He said:

“Two years of exposure to the gun havoc that plagues Harlem causes me to speak. . . Gun violence in Harlem is the responsibility of that community,” noting that in 11 months there had been 244 shootings reported and 34 deaths.

“When someone fires a pistol in Harlem, the person almost always is a resident. The person fired at is a resident. When a person is injured the person is a resident. When a person is killed, or paralyzed for life, the person is a resident of that community.”

Now, when a sitting judge—whom you might expect to be jaded from all that he has seen from the bench—is moved to decry gun violence with such passion, we are motivated to do even more. And so many more stories, also, motivate us to do even more about violence and gangs and guns:

- When gang leaders can direct violent operatives out on the street from payphones in their own prison;
- When four young girls in Schenectady are suspected of taking their own lives because gang members sexually preyed on them with impunity;
- When gunplay has, in some places, become more common than horseplay;
- When four young girls named Figoski lose their hero father, a veteran cop who was trying to stop a robbery, in the line of duty;
- When a young woman, Zurana Horton, is cut down by bullets while heroically trying to shield frightened children from a hail of gunfire just steps from a school in Brownsville;

- When such stories still surround us, we cannot help but be motivated to do even more.

And every day, it seems, brings us yet another worry about the growing gang and violence problem. We read that gang members have turned to social media to communicate with each other. We see reports of a rapid rise in the number of so-called girl gangs all over New York City. We hear that PCP—once thought to be a past problem—is perhaps making a comeback as yet another drug scourge. And we learn that gang members are recruiting ever younger facilitators for their drug trade—including allegedly an eight year old nephew of a gang member charged last week in New York.

And these crises loom for communities at the worst possible time—when budgets are tight and economies are down; when resources are strained and departments are stressed. But this is precisely the time for people like us in this room to regroup and redouble our efforts, like never before, in the service of what the public pays us to do: to hold people accountable; to gut the gangs that now roam free; and to bring back the rule of law. We may have a way to go, but if we undertake smart and sustained action, we will see sustained results—in the crime rate, in the quality of life, and in respect for the rule of law.

Wherever you live in America, you deserve to live in peace and in safety. Children should be playing—not dying—in the streets.

It takes a lot of things to make the impact we want. It takes the dedication and continued leadership of the District Attorneys in this room. It takes creativity, like that shown by the NYPD and District Attorney Hynes who used Twitter and Facebook to track down gang members. It takes cooperation, as shown so well in Newburgh by the FBI, the local police, the State police, and so many others. And it takes more than prosecution.

As Schenectady District Attorney Carney has said: “We can’t prosecute our way out of these problems.” As Manhattan DA Vance has said, in the case before Judge McLaughlin that I mentioned: “[O]ur work in law enforcement does not end with arrests and prosecutions. . . This is why we are coupling these investigations with pro-active initiatives like last month’s gun buyback program, the ongoing Harlem youth basketball programs” and others.

And so I applaud all of you in your commitment and your vision. The people of New York are lucky to have you.

Let me spend my final few minutes mentioning some of what we are doing and what we can do because I too feel the need to do more. We have arrested hundreds of gang members in the last two years. But there is more to be done.

Last year, I convened a brain trust of supervisors, investigators, and other staff in my office to find new ways to enhance our robust enforcement efforts and do more, directly in the communities that are affected most by violence and drug trafficking. Some of those people are

here today. They are Rich Zabel, Joan Loughnane, Todd Blanche, Alexi Mantsios, Ellen Davis, and Yusill Scribner. And together we have begun a number of initiatives in that effort.

We, by the way, are bent on making efforts in every county; there should be no gap in our effort. And I tell you this because maybe it will precipitate new partnerships; maybe it will persuade you, if you have not already done so, to go to your own U.S. Attorney to ask: “What have you done for me lately?”

Now, the first mission and mandate for any prosecutor is to be a prosecutor—to be tough and strong and smart in making criminal cases—destroying gangs. In that vein, we use every tough statute at our disposal. Pioneered by people like Rich Zabel and Liz Glazer who are in this room, we use RICO when possible. As you know RICO is a powerful federal statute that, when wielded properly, has superlative impact. I have directed our Assistant U.S. Attorneys to bring gang RICO cases whenever possible, and we currently have seven cases pending now—including cases out of Newburgh and the Bronx. We are also making use of the Hobbs Act robbery statute to maximize impact.

In that vein also, we are working to be more aggressive on guns. I recently met with the ATF—its new Special Agent in Charge, Joseph Anarumo—to think as creatively and aggressively as possible about how to address illegal guns. We are having more discussions with local police departments—not just NYPD but the police departments in the counties north of the City as well.

And let me say something about our gun cases. We take tough gun cases; don’t think there’s a gun case we won’t take. Some of you have sent us tough cases and we don’t flinch from them. No gun case is too small.

The power of the federal gun laws is great. We get significant sentences for the most dangerous offenders with guns—violent felons and persistent drug dealers. A defendant with three prior convictions for either violent felonies or serious drug offenses is considered an armed career criminal. That means he gets a mandatory 15 years just for possession of a gun. A defendant who displays a gun during a robbery or a drug crime gets a mandatory 7 years just for using the gun—and that sentence must run consecutively to his sentence for the robbery or drug crime he used it in.

We hope these sentences deter others; at a minimum they protect the neighborhood from those defendants for years. We appreciate that every defendant who has a gun has it for a reason, and that underlying reason is usually a significant problem—violence, drugs—for his neighborhood. That’s why we devote Assistants and resources to “mere” felon in possession cases. When we apply those federal resources, we have a great track record of building those smaller gun cases into bigger, broader cases that dismantle the district’s most violent criminal organizations. I hope more will think about working with federal counterparts to address the gun problem.

We are also trying to figure out ways to get the message out that federal time is serious time. We are working with the NYPD and other police departments to publicize directly in the relevant communities what happens to people who violate the federal gun and narcotics laws. When

fellow gang members find out that their friend got 25 years or 30 years or life, that has an impact.

We are also focusing on enablers of drug violence and narcotics trafficking. Too often that comes in the form of entire projects or buildings that are being used to facilitate drug trafficking.

That is intolerable.

Now, we have gotten a bit of attention for using street crime techniques to go after white collar crime—we have aggressively used wiretaps and body wires in our insider trading cases, for example. But we are also embarking on doing something of the reverse: employing somewhat white collar legal tools to make neighborhoods and streets safer.

One tool we have is asset forfeiture—which is typically used to seize the proceeds of unlawful activity, as we have used to great effect in securities fraud cases and ponzi schemes. But we can also use asset forfeiture for public safety as well.

Through an initiative we have informally called Project Building Safety, we are beginning to target landlords and building owners who do nothing to improve conditions even when they know that violence and narcotics have become epidemic in their buildings. We have seen cases where there have been up to 100 police calls to a building, and yet the owner does nothing. That has to stop, and we will use the federal forfeiture laws if necessary to get it done.

So, here's the message that my office intends to send to every landlord in our District – you too have a responsibility to your community. You too have a duty—not just as a good citizen—but, under federal law, to take reasonable steps to prevent your property from being used to facilitate drug dealing. And if you are not part of the solution, then you are part of the problem. It's as simple as that.

And so if you have let your building effectively double as a drug den, we will not tolerate it; if a housing project has become a haven for violence and narcotics, we will take action—we will take you to court and, if we prevail, we will take your building.

In Project Building Safety we are working in conjunction with local law enforcement to identify buildings that are being used to facilitate narcotics trafficking. We then work with the building's owner and local law enforcement to come up with reasonable actions or steps the owner can take to prevent the use of the property for narcotics trafficking.

Some reasonable actions or steps include simple things like putting up lights, placing cages around existing lights to prevent them from being broken, installing cameras, making sure the front and back doors have working locks, installing or fixing a buzzer system, instituting a know your tenant policy, and enrolling in a Police Department Trespass Program. In addition, the building owner is provided with a Police Department contact.

We will give the owner a reasonable period of time (*about 3 months*) to do the right thing and discourage the illegal use of his property. If the owner of the building fails to take reasonable

actions to prevent the illegal use of his property, we will file a civil forfeiture action and forfeit the building.

We are also stepping up our efforts to bring more resources to communities. Last year we gave \$103 million nationwide to local and state law enforcement through equitable sharing from forfeiture. About \$12 to 13 million of that went to local New York State law enforcement agencies.

And you may know about “Operation Goodwill,” which is a program administered by the United States Marshals Service that allows the transfer of forfeited property to eligible state and local government agencies or nonprofit organizations, for use toward drug and crime prevention, drug abuse treatment, housing, job skill development, and other community-based public health and safety programs. We are talking about giving real, tangible resources and property to deserving organizations that help their surrounding community. In a time of increasingly limited budgets, it is especially important to find creative solutions and even better yet, alternative sources of funding. It is my ambition to step up our participation in this program and help as many communities as possible in the process.

Let me end by echoing Assistant Attorney General Laurie Robinson at a meeting last week of the U.S. Conference of Mayors, “most crime [. . .] is handled by local law enforcement, local prosecutors, and local judges.” Put another way, you in this room know better than anyone the persistent, deadly, and infectious nature of the disease that is violent crime and drug trafficking.

And even as we face severe budget constraints—felt most deeply at the state and local level—we are as determined as ever to rid our streets of this disease. We cannot afford to abandon the hardest hit communities, where residents feel the effects of violence and drugs are every day and where officers, detectives, and agents working on the front lines are subject to increasing harm.

In the end, all of us prosecutors will be judged by how we handled our responsibilities in what is often a tough but exhilarating job. It can be a heavy responsibility to come to work every day, knowing that real human lives and livelihoods depend on the decisions you make, and the discretion you exercise.

But I don’t think that anyone has a better job in this country than a public prosecutor—whose only allegiance is to the truth and whose only duty is to do justice. People spend their entire lives waiting for the opportunity to do something meaningful, to make a difference in the world. For so many people, that moment never comes.

The people in this room have that opportunity every single day. I hope you cherish that opportunity as much as the people of the great State of New York should cherish your work. Now, part of what we do is bring hope to the communities we serve—tough and thick-skinned prosecutors are not so often looked at as angels of hope. But angels of hope you must be so that every community can enjoy the American Dream.